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Ireland

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I. Introduction

1. Ireland is committed to the promotion and protection of human rights. We were pleased to engage with Cycle 1 of the UPR and in March 2014, submitted a voluntary Interim Report[1].

2. We welcome Cycle 2 of the UPR as an opportunity to reflect on what has been achieved, the challenges we face and report on new issues that have emerged since our interactive dialogue in October 2011.

3. We are proud that following a referendum to change the Constitution, Ireland enacted legislation to ensure that same-sex couples can marry.

II. Methodology and consultation process

4. An Interdepartmental Committee coordinated by the Department of Justice and Equality prepared for Cycle 2. We published information about the UPR and reports on the issues raised in consultation events on www.upr.ie.

5. Officials participated in consultation events hosted by civil society and Ireland's NHRI[2] (July and August 2015), and value the ongoing dialogue, information sharing, partnership and cooperation.

6. Consultation is integral to our consideration of Ireland's human rights situation. For Cycle 2, we broadened and developed our approach and held two strands of consultation **(Recommendation 107.50)**. In October 2015, we invited written submissions from members of the public, civil society and interested stakeholders on human rights and equality issues, asking submissions to consider:

- where we are and where we should be;
- what we have achieved since 2011; and
- priority issues that have emerged in the meantime.

7. 54 submissions were received in this process. A consultation event was held on 11 November 2015. A report of the issues discussed is published on www.upr.ie.

8. It is important to us that the voices of children and young people are heard, and we engaged in a child-led consultation with 8- to 17-year olds, with support from the Department of Children and Youth Affairs. Young people advised on the format and wording of a questionnaire, which asked "Which human rights are most important in Ireland?" We received 3,930 responses in total – 1,613 from primary school children, 2,158 from young people and 159 from seldom-heard children and young people – and an independent researcher recorded and analysed the data.

9. Education/school was identified as the most important issue by 51.3% of children and young people, followed by shelter (45.9%), food and water (40.3%), equality or non-discrimination (33.5%), freedom of speech (23.7%), safety, security and protection (17.2%), family, marriage and the right to have children (14.2%), to be born free and equal (14.1%), healthcare and good health (12.2%) and life (11.1%). At a consultation event on 8 January 2016, children and young people advised on the presentation and format of the child-friendly version of the report. The full report documenting the process and findings[3] is available on www.upr.ie.

III. Institutional framework for the protection of human rights

Irish Human Rights and Equality Commission

10. The Irish Human Rights and Equality Commission[4] (IHREC) was established as an independent statutory body on 1 November 2014. It has "A" status as a national human rights institution (NHRI) with the International Coordinating Committee **(Recommendations 106.7, 106.8)**.

11. The Commission has its own budget Vote and reports directly to the Oireachtas (Parliament) on expenditure. The Commission's Director is directly accountable to the Public Accounts Committee, the Parliamentary Committee responsible for establishing how public funds are spent. In 2014, the Commission's funding increased by 45% to €6.299m per annum **(Recommendation 106.12)**.

12. The Irish Human Rights and Equality Commission Act 2014 introduces a positive duty on public bodies to have due regard to human rights and equality in their work and conduct their business in a manner that is consistent with individual human rights. The Commission will assist public bodies to comply with the positive duty, including by producing guidelines and codes of practice. This will lead to the systematic integration of an equality and human rights perspective into everyday work of public bodies **(Recommendations 106.13, 106.19, 107.12)**.

Workplace Relations Commission

13. The Workplace Relations Commission[5] (WRC) was established on 1 October 2015 as an independent statutory body[6].

14. It assumed the roles and functions previously carried out by a number of state bodies. Its core services include inspection of employment rights compliance, provision of information, processing of employment agency and protection of young persons' (employment) licences, and provision of mediation, conciliation, facilitation and advisory services **(Recommendation 106.34)**.

IV. Promotion and protection of human rights: developments, achievements and challenges since Cycle 1

A. Equality and non-discrimination

15. The Equality (Miscellaneous Provisions) Act 2015[7] amends the Employment Equality Legislation[8] to better protect employees against discrimination in an appropriate and balanced way, while respecting religious freedoms as guaranteed in the Constitution and in international law.

16. The amended section 37 now obliges employers in religious-run schools and hospitals to show that any favourable treatment of an employee or prospective employee is limited to the religion ground and that action taken against a person is objectively justified by reference to that institution's aim of protecting its religious ethos and that the means of achieving that aim are appropriate and necessary. The new provision raises the threshold for discrimination so that religious-run schools and hospitals must now show real damage to their ethos, and are precluded from discrimination on any of the other equality grounds[9] **(Recommendation 107.45)**.

17. The Act also prohibits discrimination in the letting of residential accommodation on the basis that a person is or is not in receipt of rent supplement or housing-assistance payment (**Recommendation 106.19**).

B. Right to life, liberty and security of the person

Combating domestic, sexual and gender-based violence

18. Following wide consultation, Ireland's *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021*[10] envisages a range of actions for State, voluntary and community sector organisations aimed at preventing and responding to domestic, sexual and gender-based violence.

19. The Strategy contains an action plan[11] for ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), relevant elements for transposition of the EU Victims Directive into Irish law and practice and actions from the first national strategy.

20. This year, €950,000 is available for a 6-year national awareness-raising campaign to bring about a change in societal behaviours and attitudes on domestic and sexual violence against both women and men.

21. In July 2015, the Government published proposals for a new Domestic Violence Bill to improve protections available to victims of domestic violence, make it easier for them to obtain interim barring orders and provide for more victim-friendly courts processes. The privacy of the victim will be protected, and it will be possible to bar the perpetrator from communicating with the victim electronically. (**Recommendations 106.49, 106.50, 106.51, 106.53, 107.36, 107.37. 107.38**).

Trafficking in persons

22. A draft *National Action Plan to Prevent and Combat Human Trafficking in Ireland* was issued for consultation in June 2015. This new Plan seeks to build on progress made to date and address issues raised in independent international evaluations.

23. When finalised, the Plan will outline the Government's strategic approach to this issue and set out a clear work programme for state authorities to collaborate with civil society in advancing the fight against trafficking and enhancing the protection of victims. It will ensure that a comprehensive child-sensitive protection system is in place which provides for interagency and multidisciplinary co-ordination for child victims of trafficking.

24. An Amendment to the Criminal Law (Human Trafficking) Act 2008 was enacted in July 2013 to facilitate full compliance with the criminal law measures in EU legislation.[12]

25. This amended legislation criminalises trafficking for the purposes of forced begging and trafficking for other criminal activities. In addition, the 2013 Act[13] contains provisions to better facilitate children giving evidence in criminal prosecutions.

26. The Garda (Police) Commissioner has established a Child Protection and Human Exploitation Unit. This Unit will cover child abuse, domestic violence, sexual violence and human trafficking (**Recommendations 106.49, 106.50, 106.51, 106.53**).

Victims of crime

27. Legislation to transpose the EU Directive on the rights, support and protection of victims of crime into Irish law is currently being drafted as a priority. The Bill is expected to be published early this year and will be enacted as soon as possible.

28. This will strengthen the rights of victims of crime and their families, ensure that victims and their needs are at the heart of the justice process and that rights to information, advice and other appropriate assistance are met. The Bill will introduce statutory rights for victims of crime.

29. The criminal justice agencies have been working to provide a service to victims in line with the standard set out in the EU Directive. An Garda Síochána have trained members of all ranks to implement the new policies and procedures to ensure that victims of crime receive a comprehensive response through dedicated Garda Victim Service Offices across all 28 Garda Districts.

Abortion

30. The Protection of Life During Pregnancy Act 2013[14] regulates access to lawful termination of pregnancy where there is real and substantial risk to the life of a woman as a result of her pregnancy. The Act commenced on 1 January 2014 and the Guidance Document on the implementation of the Act was published later that year[15].

31. The Committee of Ministers of the Council of Europe were satisfied that the Government has given effect to the ruling in A, B and C v Ireland by introducing the Protection of Life During Pregnancy Act 2013, related regulations and guidance document. The Committee of Ministers closed the case on 4 December 2014.

32. 26 terminations were carried out under the Act in 2014. 14 of these arose from a risk to the life of the mother arising from physical illness, 9 from a risk to the life of the mother from emergencies arising from physical illness, and 3 arose from a risk to the life of the mother from suicide ideation.

Legacy issues concerning people who were in institutional care

Magdalen Laundries

33. The Scheme of lump-sum payments and supports for women who were admitted to and worked in the Magdalen Laundries, St. Mary's Training Centre Stanhope Street, and House of Mercy Training School, Summerhill, Wexford, was welcomed by the majority of the women concerned. A woman is eligible for a payment of between €11,500 and €100,000, depending on length of stay (**Recommendation 107.40**).

34. To date, a decision has been made on over 99% of the 802 applications received[16] and 606 applicants have received their lump sum payments at a cost of nearly €23m. The remaining applications are being dealt with as quickly as possible and the Scheme remains open to new applications.

35. In addition to the lump-sum, each woman is entitled to a top-up payment to bring her weekly income from the State up to the equivalent of the Irish Contributory Pension, €230.30 if 66 or over and €100 if under that age. This is in recognition that the women were not paid for the work they did while in the laundries. The women are also being provided with access to a range of primary and community health services free of charge.

Commission of Investigation into Mother and Baby Homes and Certain Related Matters

36. The statutory Commission of Investigation into Mother and Baby Homes and Certain Related Matters was established by the Government in February 2015 to provide a full account of what happened to vulnerable women and children in these Homes between 1922 and 1998. The scope of the Commission's investigation is broad, and includes seven specific areas of practice and procedure regarding care, welfare, entry arrangements and exit pathways for the women and children who were residents of these institutions.

37. The independent Commission has robust powers to conduct investigations within its terms of reference, including coercive powers available to assist in gathering evidence if necessary. The Commission has been tasked with reporting within 3 years and its reports will be published.

Symphysiotomy

38. Symphysiotomy was an exceptional and rare intervention in obstetric practice in Ireland. It occurred in less than 0.05% of deliveries between 1940 and 1985. Following examination of the two independent reports commissioned by the Government, it was agreed in July 2014 to establish an ex-gratia scheme for women who underwent the procedure. The Surgical Symphysiotomy Payment Scheme was designed following engagement by the Minister for Health with all three support groups, two of which welcomed its establishment. It provides an alternative, non-adversarial option for women, many of whom are elderly and do not wish to pursue their cases through the courts.

39. The Scheme caters for women who underwent a surgical symphysiotomy or pubiotomy in the State between 1940 and 1990. The Assessor is a retired High Court Judge. The Scheme is voluntary and women do not waive their rights to take their cases to court. Women may opt out of the Scheme at any stage in the process, up to the time of accepting their award; it is only on accepting the offer of an award that a woman must agree to discontinue legal proceedings. 578 applications were accepted and to 22 January 2016, 370 offers have been made ranging between €50,000 and €150,000. The allocations come to approximately €23m to end-2015.

40. The provision of the ex-gratia scheme, together with the ongoing provision of medical services by the HSE, including medical cards, represents a comprehensive response by Government to this issue.

Access to Justice

41. Following the decision by the people on 4 October 2013 in a referendum, the Court of Appeal was established in October 2014. It deals with appeals from the High Court in civil cases and appeals from the Circuit Criminal Court, the Central Criminal Court, or the Special Criminal Court in criminal cases. This represents significant reform of our courts system, and will reduce waiting time for the hearing and determination of appeals.

42. The Legal Services Regulation Act 2015[17] reforms regulation and oversight of the legal profession and legal costs. As a result, for the first time, Ireland will have:

- an independent statutory regulator for all legal practitioners and an independent public complaints regime;
- a new single disciplinary tribunal for solicitors and barristers;
- new business models for legal partnerships;
- a new Office of the Legal Costs Adjudicator, together with new regulatory measures relating to legal fees.

43. The Act also introduces greater and more client-focussed transparency obligations in relation to legal costs, what clients must be told and how legal costs disputes may be resolved, and provides a pathway to the introduction, following research and consultation, of Multi-Disciplinary Practices.

44. Legislation has also been enacted to increase the number of High Court judges and heads of the Criminal Procedure Bill to further improve efficiencies in trials and court proceedings, including establishing pre-trial hearings, have been published.

Reform of policing

45. The Government has progressed a comprehensive programme of reform of the oversight, governance and accountability of An Garda Síochána, with the overall objective of ensuring that the confidence of the public in An Garda Síochána is maintained and the high quality and respected service that An Garda Síochána has provided is continued and enhanced to better meet the realities, requirements and expectations of 21st century policing.

46. The establishment of an Independent Policing Authority on 1 January 2016 is at the core of the Government reform programme. The primary function of the Authority will be to oversee the performance by An Garda Síochána of its functions in relation to policing services. Among the Authority's first tasks will be the approval of the overall Garda strategy for 2016-2018 and the development of a Code of Ethics for Garda members and civilian staff.

47. Under the new governance arrangements, the Garda Commissioner will retain operational independence and the Minister will remain accountable for policing to the Oireachtas (Parliament); the framework in which these functions are exercised will change to reflect the new oversight role of the Authority.

48. Other reform measures include enactment of new legislation to strengthen the role and remit of the Garda Síochána Ombudsman Commission (GSOC), and enactment of Protected Disclosures Act 2014[18] which allows Garda members to make "protected disclosures" to GSOC in confidence in respect of alleged misconduct. In line with the recommendations of the Guerin Report, a Commission of Investigation chaired by Mr. Justice Kevin O'Higgins is examining matters arising from reports of alleged misconduct in the Cavan/Monaghan Division. In addition, Freedom of Information legislation now extends to aspects of the work of An Garda Síochána[19].

Criminal Justice

Prison conditions – slopping out and overcrowding

49. The elimination of slopping out in the prison estate is a priority. Significant resources have been committed to this objective.

50. All wings in Mountjoy Prison have been completely refurbished, facilitating the elimination of the practice of slopping out in the prison. A completely new replacement prison in Cork is almost complete and will be operational in February 2016. All cells will have full in-cell sanitation.

51. A public consultation process on planning proposals for a major development at Limerick Prison has commenced. The proposed development will end the practice of slopping out in Limerick Prison and will include a new accommodation block for female prisoners. The enabling works for the redevelopment are scheduled to begin in 2016 with the main construction phase to start in early 2017.

52. In addition, planning is underway for a development at Port Laoise Prison that will bring slopping out to an end there. When the new Cork prison opens in February, slopping out will have been ended across the entire prison estate except for the A-wing at Limerick Prison and the E-block at Port Laoise Prison.

53. 2013 saw the first significant decrease in prison numbers since 2007. There were 15,735 committals to prison in 2013, a decrease of 7.6% from 2012. Overcrowding has been eliminated in Mountjoy Prison and priority has been given to reducing overcrowding in Cork, Limerick and the Dóchas Centre (women's prison).

54. We intend to reduce the capacity of our prisons to align with the Inspector of Prisons' recommended bed capacity of 3,977 insofar as this is compatible with public safety and the integrity of the criminal justice system. An examination of the figures on 18 January 2016 when there were 3,665 prisoners in custody shows that this figure was 92% of the Inspector's recommended total of 3,997 (**Recommendations 106.36, 106.37, 106.38, 106.39, 106.40, 106.41, 106.44, 106.45, 106.46, 106.47, 107.34**).

Alternatives to detention

55. Alternatives to custody continue to be pursued and various laws have been introduced in this regard (**Recommendation 106.43**). These include the Criminal Justice (Community Service) (Amendment) Act 2011[20] which requires the sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered.

56. The Fines (Payment and Recovery) Act 2014[21] provides that the Court imposing a fine shall take into account a person's financial circumstances. It further provides that where a person fails to pay a fine the Court may make an attachment of earnings as a means of recovering an unpaid fine. As a result of this legislation it is expected that we will see a reduction in the number of committals to prison on short sentences. The Civil Debt (Procedures) Act 2015[22] provides for the attachment of earnings or deductions from social welfare payments. The Act also makes provision for the abolition of imprisonment of debtors for non-payment of civil debts.

57. In conjunction with the Probation Service, the Irish Prison Service has continued the national rollout of the Community Return Programme, an incentivised scheme for earned temporary release under which carefully selected offenders can be granted structured temporary release in return for supervised community service. 1,541 prisoners have taken part in the Programme since October 2011, and 1,273 have completed it.

58. Community Support Schemes have been set up in Cork Prison, Mountjoy Campus, West Dublin Campus and Limerick Prisons. Community Service may be used by the courts in lieu of a prison sentence, aiming to reduce recidivism rates by arranging for additional support and providing for a more structured form of temporary release. Convicted offenders may be given the opportunity to perform between 40 and 240 hours of unpaid work for the community.

Towards ratification of OP-CAT

59. The Department of Justice and Equality is working on the Inspection of Places of Detention Bill to allow for ratification of OPCAT. The key requirement is to provide for a National Preventative Mechanism/s (NPMs).

60. We have commenced a consultation process examining this issue. On 23 November 2015, the Department of Justice and Equality hosted an Open Policy Debate, on proposals for a Criminal Justice Inspectorate[23].

61. We are continuing to engage in consultation with civil society and academia at this stage. An options paper is being developed incorporating material from the Open Policy Debate and international best practice to facilitate further consultation (**Recommendations 106.2, 106.3**).

DNA database

62. Following enactment of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014[24], a DNA database system has been established. The legislation replaces

former arrangements governing the taking of samples for forensic testing from suspects for use as evidence in criminal investigations and proceedings.

Criminal Law (Sexual Offences) Bill 2015

63. The Criminal Law (Sexual Offences) Bill will strengthen the law to combat child pornography, the sexual grooming of children, incest, exposure and other offensive conduct of a sexual nature.

64. There is also recognition of the needs of victims of sexual offences and those who assist them. Provisions are included which will regulate and bring certainty to the disclosure of counselling and therapy records in sexual offence trials. In addition, amendments to criminal evidence legislation acknowledge the difficult experience which a trial process may be for the victim of a sexual offence. The Bill will also criminalise those who purchase sexual services.

65. The Bill will reform Section 5 of the Criminal Law (Sexual Offences) Act 1993 to facilitate the full participation in family life of persons with intellectual disabilities and the full expression of their human rights. Achieving the necessary balance between those rights and ensuring appropriate protection is crucial. This will overcome one of the barriers to ratification of the UN Convention on the Rights of Persons with Disabilities.

66. The Bill will also ensure compliance with the criminal law provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (**Recommendation 106.6**). Enactment is expected this year.

C. Freedom of religion and belief

67. Please see IV.A.

D. Right to participate in public and political life

68. A Working Group on Citizen Engagement with Local Government set up to recommend a more extensive and diverse input by citizens into the decision-making processes at local government level, reported in February 2014[25]. It proposed a mechanism to enable the community and voluntary and environmental sectors to take an active formal role in policy-making and oversight activities of Local Authorities, via a Public Participation Network (PPN), now set up in all Local Authority areas.

Children's Participation in Decision-Making

69. In June 2015, the Government launched the first *National Strategy on Children and Young People's Participation in Decision-making (2015-2020)*[26]. This is the first such strategy in the EU. The Strategy's primary goal is to ensure that children and young people have a voice in their individual and collective everyday lives. The Strategy is guided and influenced by the UN Convention on the Rights of the Child and the EU Charter of Fundamental Rights.

70. The Action Plan contains commitments from Government Departments and state agencies to involve children and young people in their decision-making processes. A key action is the development of a National Children and Young People's Participation Hub in the Department of Children and Youth Affairs. This hub will act as a national centre for excellence and will provide information, training, resources and support for implementation of the actions in the National Strategy.

Social Inclusion and Community Activation Programme (SICAP)

71. SICAP, which reduces poverty and promotes social inclusion and equality through local, regional and national engagement and collaboration, received funding of €28m for the nine months of its operation in 2015 and €37m in 2016. SICAP encompasses a lifecycle approach and its Programme Implementers are engaging with young people living in disadvantaged areas and/or are members of one of its target groups to:

- support young people who have left, or are at risk of leaving, education to help prevent early school-leaving and encourage those who might have left to return, as well as to assist with the transition to further education or training, or to a job;
- move disadvantaged young people who are not in employment, education or training closer to the labour market; and
- assist young people in engaging with service providers and policymakers at local, regional and national level.

72. In 2015, SICAP provided 315 individuals who self-identify as Travellers with one-to-one educational or employment supports, and 28 local community groups focused on Travellers with direct supports, and has engaged with 53 structures and networks that have some involvement with Traveller organisations in their areas. 5 SICAP Programme Implementers have also undertaken activities with Traveller children in their areas (**Recommendation 106.32**).

E. Right to privacy, marriage and family life

Gender Recognition Act 2015

73. The Gender Recognition Act 2015[27] provides for the preferred gender of a person to be fully recognised by the State for all purposes. A Gender Recognition Certificate Holder may subsequently apply for a birth certificate in their preferred name and/or gender where their birth is registered in the State. Children between the ages of 16 and 18 may apply for a Gender Recognition Certificate with court approval.

Children and Family Relationships Act 2015

74. The Children and Family Relationships Act 2015[28] modernised the law regarding children living in diverse family forms and established that the best interests of the child are paramount in decisions on custody, guardianship and access. Provisions on guardianship, custody and access were commenced on 18 January 2016.

Marriage equality

75. Following the result of the May 2015 referendum, Ireland enacted the Marriage Act 2015[29]. Same-sex couples can now marry and enjoy the same constitutional rights and protections as all families (**Recommendation 107.44**), and marriages between same-sex couple contracted in other jurisdiction are recognised as marriages in Ireland.

Civil Registration (Amendment) Act 2014

76. The Act[30] includes provisions for the compulsory registration of fathers' names on birth registrations, as well as provisions which make it more difficult to broker a marriage of convenience in the State. Evidence of intention to undertake a marriage of convenience is now an impediment to marriage and a registrar has the right to investigate. The Act also provides for increased sharing of information in relation to suspected sham marriages

between the Department of Social Protection and the Department of Justice and Equality (**Recommendations 106.54, 107.43**).

Rights of adopted people

77. The Adoption (Information and Tracing) Bill 2015 will provide a statutory basis for the provision of information on both past and future adoptions. It will provide clarity on the information that can be provided. The Bill is expected to be enacted in 2016.

F. Right to work and to just and favourable conditions of work

Reforms

78. The establishment of the Workplace Relations Commission consolidated and streamlined Ireland's former employment rights bodies. The Labour Court hears all appeals of decisions of the Workplace Relations Commission in all disputes arising under industrial relations and employment rights enactments.

National Minimum Wage

79. The establishment of the Low Pay Commission on a statutory basis in 2015 to examine and make annual recommendations on the national minimum wage, and the raising of the national minimum hourly rate of pay from 1 January 2016 to €9.15 per hour for an adult worker, has resulted in more favourable pay conditions for those on minimum rates of pay.

80. The National Minimum Wage applies to all employees, including full-time, part-time, temporary and casual employees, except for employees who are close relatives of the employer, or employees undergoing certain structured training.

Industrial Relations

81. The Industrial Relations (Amendment) Act 2015 provides for the reintroduction of a mechanism for the registration of employment agreements between an employer or employers and trade unions governing remuneration and conditions of employment in individual enterprises. It also provides for a new statutory framework for establishing minimum rates of remuneration, pension and sick pay, to replace the former sectoral Registered Employment Agreements. It provides for reforming the law on employees' right to engage in collective bargaining, in compliance with the recent judgment of the European Court of Human Rights.

G. Social security and the right to an adequate standard of living

Fiscal consolidation and recovery

82. Ireland's comprehensive welfare system has played a central role in protecting those who are unemployed and other vulnerable groups following the economic crisis. A key component of the Government's welfare policy since 2011 was to maintain the value of core weekly rates of welfare payments. Eligibility to means-tested welfare schemes was not restricted as welfare dependency increased. While measures to curtail welfare expenditure were introduced over the period up to 2014, the recovery has enabled the Government to introduce a range of welfare improvements in 2014 and 2015.

83. A key statistical measure of how Government has protected the most vulnerable is the impact of social transfers on the at-risk-of-poverty rate. The latest (2014) data show that

social transfers lifted a fifth of the population out of poverty, reducing the at-risk-of-poverty rate by 56%. This is an improvement on the pre-crisis period, when the poverty reduction effect was 50%. Ireland has the strongest performance in reducing poverty through social transfers of all EU member states and is almost twice the EU norm. As a result, Ireland's at-risk-of-poverty rate is below the EU average and is ranked 12th of all EU member states.

84. The current strong recovery phase is highlighted by the decrease in the unemployment rate from over 15% in 2012 to 8.6%. The social impact assessment of the main welfare and tax measures introduced in 2015 and 2016 shows that the incomes of households in the poorest two quintiles have increased by around 2%. Households containing children have gained the most, including lone parents and those unemployed.

85. The latest official data for 2014 show that poverty levels have stabilised for the first time following the economic crisis. It is expected that with further increases in employment and the impact of new welfare measures, household incomes and living standards will continue to recover.

Bankruptcy and personal insolvency

86. Considerable progress has been made in addressing the problems associated with personal debt during the economic crisis, and ensuring fair and realistic outcomes both for debtors and for creditors. The Personal Insolvency Act 2012[31] introduced three new debt resolution mechanisms to help mortgage-holders and other people with unsustainable debt to reach agreements with their creditors.

87. The Bankruptcy (Amendment) Act 2015[32] reduces the normal duration of bankruptcy from 3 years to 1 year, and reduces the normal maximum duration of orders requiring payments to creditors from any income of the bankrupt person, from 5 years to 3 years.

H. Right to health

Children's access to healthcare

88. The Government is committed to the extension in 2016 of General Practitioner (GP) care without fees to all children aged under 12 years. This follows on from the introduction of GP care without fees for all children aged under 6 from 1 July 2015.

Towards achieving universal healthcare

89. The Government is committed to a major programme of health reform, the aim of which is to deliver universal healthcare, with access to services based on need and not ability to pay (**Recommendations 106.29, 106.56, 106.57**).

90. The introduction of universal healthcare is the most fundamental reform of our health service in the history of the State. Both the research undertaken to date and that planned for the next phase of the research programme, including cost modelling, will assist Government in deciding the best long term approach to achieving this important goal.

91. In the meantime, a number of important initiatives that represent key building blocks for universal healthcare are being progressed, including the strengthening of primary care, the introduction of more efficient payment systems such as activity-based funding, the creation of Hospital Groups and Community Healthcare Organisations, the introduction of a wide-ranging package of patient safety reforms, and the maintenance of a vibrant and sustainable health insurance market. These are important initiatives with the potential to drive performance improvement and timely access to high quality care.

Mental Health

92. A major reform of mental health legislation is underway following the publication of an Expert Group Review of the Mental Health Act 2001[33].

93. Two priority amendments in respect of the administration of ECT (electro-convulsive therapy) and medicine (after a 3-month period) have been made and will come into operation on 15 February 2016. Both amendments ensure that the authority to administer ECT or medicine (after a 3-month period) to an involuntary patient with capacity who is unwilling to consent to the treatment will be removed.

94. Government mental health policy is set out in *A Vision for Change*[34], which provides a framework for action to develop a modern, high-quality, community-based, person-centred mental health service over a 7- to 10-year period. It is intended to progress the drawing up of an updated and revised mental health policy in 2016 (**Recommendation 107.16**).

95. A new suicide strategy, *Connecting for Life – Ireland's National Strategy to reduce Suicide 2015 – 2020*[35] (June 2015) sets out a vision of an Ireland where fewer lives are lost through suicide, and where communities and individuals are empowered to improve their mental health and wellbeing. The Strategy adopts as a minimum target the WHO 2014 goal of a 10% reduction in the suicide rate.

I. Right to housing

96. The Government's *Social Housing Strategy 2020*[36] (November 2014) aims to meet the housing need of some 110,000 households who are qualified for social housing support. €2.9bn in capital funding has been committed for that purpose.

97. In the period 2011 to 2014, some 26,000 new social housing units were provided under a range of investment programmes. Over 13,000 units have been delivered in 2015, representing an 86% increase on the 7,000 units delivered in 2014. The provision of social housing has again been given priority in 2016, with total investment (exchequer and local authority own resources) of €933m for over 17,000 new homes.

98. In November 2015, the Government announced a new integrated housing package *Stabilising Rents, Boosting Supply*[37], which includes measures to give certainty to tenants in relation to their rent, to better protect tenants in their homes, and to provide clarity to both tenants and landlords as regards their rights and obligations.

Homelessness

99. One significant challenge since Cycle 1 is homelessness. The Government's *Homelessness Policy Statement*[38] (February 2013) makes explicit the Government's commitment to a housing-led approach to end long-term involuntary homelessness.

100. A range of measures are being taken to secure a ring-fenced supply of accommodation for homeless households and mobilise the necessary supports. These measures have been identified in the *Government's Implementation Plan on the State's Response to Homelessness*[39] (May 2014) and in the *Action Plan to Address Homelessness*[40] (December 2014).

J. Rights of the child

101. Children are now specifically recognised as rights-holders in their own right in the Irish Constitution, following a referendum in 2012. The new provision requires that the

best interests of the child are the paramount consideration and the voice of the child be given due weight in specified Court proceedings **(Recommendations 106.9, 106.10, 106.11, 107.9, 107.10, 107.12)**.

102. Provision made in legislation for this principle, including the Child and Family Agency Act 2013[41], the Children and Family Relationships Act 2015 and the Children First Act 2015, illustrate Ireland's commitment to a child-centred approach.

103. The ongoing implementation of *Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People 2014-2020* is demonstrably rooted in the values and principles that the Constitutional amendment represents. Implementation of the Framework is a 'whole-of-government' commitment which is being driven with involvement by non-governmental interests in the sector.

Establishment of the Child and Family Agency

104. Tusla (the Child and Family Agency) was established on 1 January 2014 as a single, dedicated State agency responsible for improving wellbeing and outcomes for children. Its establishment represents one of the most ambitious and far-reaching public sector reform projects undertaken by Government. Tusla brings together some 4,000 staff and in 2016, has funding of some €676m, an increase of €38m over 2015.

105. The Agency brings a dedicated focus to child protection, family support and other key children's services and is responsible for a range of services, including:

- Child welfare and protection services, including family support services;
- Family Support Agency responsibilities;
- National Educational Welfare Board responsibilities;
- Pre-school inspection services;
- Domestic, sexual and gender-based violence services;
- Community-based services related to the psychological welfare of children and families.

106. Tusla also has statutory responsibility for separated children seeking asylum **(Recommendation 106.17)**. For such children, a statutory care plan is developed and if appropriate, an application for asylum will be made on behalf of the child.

Child protection

Children First Act 2015

107. The Children First Act 2015[42] forms part of a suite of child protection legislation which also includes the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. The Act:

- makes better provision for the care and protection of children, including raising awareness of child abuse and neglect;
- provides for reporting and management of child protection concerns;
- improves child protection arrangements in organisations providing services to children;
- provides statutory arrangements to promote cross-sectoral implementation and compliance with Children First;

- provides for a register of non-compliance for a provider of a relevant service who fails to provide the Child and Family Agency with a copy of a child safeguarding statement; and
- provides for abolition of the defence of reasonable chastisement in relation to corporal punishment.

Children in care – right to participation in child welfare and protection issues

108. The rights of children, with regards to those in care and child welfare and protection issues, to participate and be consulted are set out on a statutory basis[43]. The National Standards for statutory care and child protection services are child-centred and state that services must recognise children's rights, including their right to be listened to and participate in decisions made about them and their care.

109. Children in care have a right to a statutory social worker and to statutory care planning and review. Within the care planning and review process the child is consulted and the plan put in place with regard to the child's best interest.

Corporal punishment

110. From 11 December 2015, children in Ireland have the full protection of the law on assault, regardless of by whom or in what setting the assault occurs (**Recommendations 107.41, 107.42**).

111. In the case of parents, or persons acting *in loco parentis*, the common law defence of 'reasonable chastisement' has now been abolished pursuant to section 28 of the Children First Act 2015[44].

112. The use of corporal punishment is prohibited in all foster care and child care residential settings.

Children in detention

113. St. Patrick's Institution will be closed very shortly. Responsibility for 16-year old males remanded in custody or sentenced to detention was transferred from the Irish Prison Service (IPS) to the children detention schools campus at Oberstown in May 2012. In addition, responsibility for 17-year old males who are remanded in custody was transferred to the Oberstown campus from the IPS in March 2015.

114. The Children (Amendment) Act 2015[45] will enable the full transfer of responsibility for children in detention to the children detention schools. The Act provides for the repeal of all provisions which permit the detention of children in adult prison facilities and will be commenced when sufficient qualified staff are in place in Oberstown to operate the facility safely.

115. The Prisons Act 2015[46] provides not only for the complete closing of St Patrick's Institution but also for the general removal of references to St Patrick's from the statute book. In particular, the Act will repeal all the legislative provisions that enable the courts to order the detention of young persons in St. Patrick's.

Youth Justice

116. *Tackling Youth Crime, a Youth Justice Action Plan, 2014-2018*[47] focuses on continuing the downward trends in high-volume crime and detention. The opinions and experiences of children involved in the youth justice system have influenced the development of these interventions.

117. In accordance with the Action Plan, a new Bail Supervision Scheme is to be introduced on a pilot basis in 2016 and will provide more therapeutic supports in the community for children who are subject to bail conditions. The goal of this measure will be to further reduce the number of children remanded in custody due to breach of bail conditions.

118. 7 new Garda Youth Diversion Projects were announced in January 2016, bringing the number of Diversion Projects nationwide to 110. The Government also announced the roll-out of the first phase of a pilot mentoring service for young people coming to the attention of An Garda Síochána.

K. Right to education

Early Childhood Care Education

119. €85m in additional investment in early years and school-aged childcare was announced in Budget 2016, enabling an extension of the Early Childhood Care Education (ECCE) Programme to provide free pre-school education from September 2016 for children from 3 years until they start primary school or reach 5 and a half years. This initiative will better integrate the educational experience of young children, providing a smoother transition between pre- and primary school, and increases investment in free pre-school education by €47m to €219.4m in 2016.

120. This investment also provides for supports to enable children with disabilities to participate fully in the ECCE Programme, including enhanced continuing professional development for childcare staff; grants for equipment, appliances and minor alterations; and access to therapeutic intervention. €15m has been provided to phase in supports during 2016, with a full-year cost of around €33m from 2017.

Pluralism and Patronage

121. As stated in our National Interim Report, the Report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector recommended steps that could be taken to ensure that the education system can provide a sufficiently diverse number and range of primary schools to cater for children of all religions and none. The Forum's recommendations are currently being implemented.

122. The National Council for Curriculum and Assessment launched a consultation process on proposals for a curriculum in Education about Religions and Beliefs (ERB) and Ethics to run until Spring 2016.

123. The Forum also advised on the practicalities of transferring/divesting patronage for individual primary schools where appropriate and necessary. 8 new primary schools have opened under the patronage divestment process and work is continuing to advance choices in other identified areas. All 8 schools have a multi-denominational ethos.

124. In areas of population growth, the process for establishing new schools takes account of parental preferences. Since 2011, 42 new schools have opened to meet demand for schooling provision in areas of demographic growth (24 primary schools and 18 post-primary schools). 39 of these schools have a multi-denominational ethos **(Recommendation 107.27)**.

Admission to Schools

125. The Education (Admission to Schools) Bill 2015 aims to ensure that how schools decide on who is enrolled and who is refused a place in schools is more structured, fair and transparent.

126. The Bill provides for a school to explicitly state in its admission policy that it will not discriminate against an applicant for admission on the grounds of disability, special educational needs, sexual orientation, family status, membership of the Traveller community, race, civil status, gender or religion, while including provision for single-sex schools and denominational schools to reflect their specific ethos in their admission policy. It also provides that school enrolment policies must include details of the school's arrangements for students who do not wish to attend religious instruction. The Bill strengthens the capacity to ensure that all children are catered for (**Recommendation 106.56, 107.27**).

Equity of Access to Higher Education

127. A new *National Plan for Equity of Access to Higher Education 2015-2019*[48] was launched in December 2015. The Plan aims to assist under-represented groups to participate in third level education, and takes a mainstreaming approach, so that responsibility for promoting greater diversity extends beyond designated access officers and becomes the responsibility of everyone working in higher education institutions. The Plan includes the first national target to increase representation in higher education by members of the Traveller community (**Recommendations 106.30, 106.32, 106.56**).

L. Rights of persons with disabilities

Towards ratification of UN CRPD and OP-CRPD

128. We are committed to proceeding to ratification as quickly as possible, taking into account the need to ensure all necessary legislative and administrative requirements under the Convention are met.

129. On 21 October 2015, the Government published a roadmap to Ireland's ratification of the CRPD which outlines legislative changes to be undertaken to enable Ireland to ratify the Convention, along with the estimated timeframe involved (**Recommendations 106.1, 106.5**).

130. The *Roadmap to Ratification*[49], with a deadline of end-2016, shows that there is a substantial legislative agenda to complete across a number of Departments. It also sets out the considerable work currently underway to deal with outstanding barriers to Ireland's ratification.

131. It is intended that Ireland will sign and ratify OP-CRPD at the same time as the Convention is ratified (**Recommendations 107.1, 107.2**).

New National Disability Inclusion Strategy (2016-2019)

132. The Department of Justice and Equality, together with the National Disability Authority and the National Disability Strategy Implementation Group (NDSIG) is undertaking a comprehensive consultation process with a view to putting in place a revised National Disability Inclusion Strategy. The consultation process provides the opportunity to interested parties to make recommendations in key areas such as service provision, accommodation, health, employment, and education.

133. It is intended that a revised Strategy will run from 2016 to 2020 and will be in place early this year (**Recommendations 106.15, 106.16**).

People with disabilities – Employment

134. The Government published the *Comprehensive Employment Strategy for People with Disabilities*[50] in October 2015. It sets out a 10-year approach to ensuring that people

with disabilities who are able to and want to work are supported and enabled to do so. The Strategy requires a concerted cross-government approach that brings together actions by different Departments and state agencies to address the barriers and challenges for employment of people with disabilities.

135. We recognise that people with disabilities in Ireland are only half as likely to be in employment as others. The Strategy aims to increase the employment rate of people with disabilities from 33% in 2011 to 38% by 2024, and ensure that people with disabilities will not be left behind as employment recovers.

136. The Strategy's measures seek to address the barriers to employment and improve pathways to work. A group to oversee the implementation of the Strategy has been established and will monitor the progress of the six strategic priorities[51], ensuring that each Government Department is fulfilling its obligations and meeting necessary targets (**Recommendation 106.16**).

Capacity legislation

137. The Assisted Decision-Making (Capacity) Act 2015 is a comprehensive reform of the law on decision-making capacity. It is underpinned by a series of guiding principles which govern all actions encompassed by the Act. These enshrine a human rights approach into the legislation. A person is presumed to have capacity unless otherwise determined. An intervention must be made in a manner that minimises the restrictions on a person's rights and freedom of action. It must have due regard to the need to respect the right of the person to his or her dignity, bodily integrity, privacy and autonomy. The person's will and preferences are central to the decision-making process.

Autism

138. Aware of the need to place a particular focus on autism, the Government adopted a programme of Additional Actions on Autism in June 2015. Key actions include:

- enhancing autism awareness in the public sector;
- providing guidance on autism for professionals in the justice system;
- ensuring that the Codes of Practice developed to implement the Assisted Decision-Making (Capacity) legislation take on board existing guidance relating to people with autism;
- up-skilling of key Health Service Executive personnel, teachers and special needs assistants;
- providing information supports for families with children with a disability, including those with autism;
- provision of multidisciplinary therapy services;
- providing improved housing supports to people with autism through training and guidance for housing support personnel; and
- addressing the needs of adults with autism.

M. Travellers and Roma

139. Our work to promote equality and inclusion in Irish society of the Traveller and Roma communities includes putting in place strong monitoring methods to evaluate the impact of inclusion actions in the key priority areas of health, education, employment, housing and anti-discrimination (**Recommendations 106.30, 106.31, 160.32, 160.33,**

107.31, 107.32). Some €400m has been invested in Traveller-specific accommodation in the past 15 years. €5.5m will be provided in 2016 for Traveller-specific accommodation, representing an increase of €1.2m (28%) on the 2015 capital provision.

140. To ensure availability of accurate, detailed and complete data on the situation of Roma and Travellers in Ireland and to identify measures put in place to tackle exclusion and discrimination, the development of a Data Collection Strategy will form part of the new National Traveller and Roma Inclusion Strategy for implementation in 2016.

141. In December 2013, the serving Ombudsman for Children carried out a special inquiry into the removal of two Roma children from their families. One of the key recommendations made by Ms Emily Logan in her Report of the investigation was that an assessment of the needs of the Roma community be undertaken. That assessment being undertaken by the Department of Justice and Equality in partnership with a leading Traveller and Roma NGO – Pavee Point – will be completed shortly. Building trust with the Roma community and genuine consultation with Roma interests is vitally important and to that end, the research and contact work on the ground is being undertaken by a number of trained peer researchers from the Roma community.

142. The Garda Racial, Intercultural and Diversity Office (GRIDO) recently extended recording of bias motivation indicators for hate-motivated incidents on the Garda PULSE system to include anti-Traveller and anti-Roma, as well as anti-Muslim, transphobia, age-related, gender-related and disability-related. These, in addition to the existing bias motivation indicators of anti-Semitism, homophobia, racism, sectarianism and xenophobia, will enable more comprehensive collection of data when recording incidents, and forms part of the victim assessment in accordance with the EU Victims Directive 2012/29.

Funding for Traveller Organisations

143. Under the Local Community Development Programme (LCDP), over €4.23m was provided to three national Traveller organisations (the National Traveller Partnership (NTP), Pavee Point, and the National Traveller Women's Forum) from 2012-2014. In 2015, the NTP received €1.18m under the LCDP and the funding stream for the other two organisations transferred to the Department of Justice and Equality to contribute to a new support scheme for Travellers. As from 2016, it is intended that the Support Scheme for Travellers will form part of a new National Strategic Framework to also include support for the local Traveller Interagency Groups (TIGs).

Recognition of Travellers as an ethnic group

144. At the request of the Minister of State for Equality – and following an earlier round of consultations with other Departments and the Traveller community on this issue – the Department of Justice and Equality has engaged in continued discussions with Traveller interest groups with a view to developing a precise understanding of the legal implications, if any, of the recognition that the Traveller community is seeking. To facilitate a focussed discussion, the 4 national-level Traveller NGOs agreed a formal statement of what they are seeking and what they envisage such recognition will achieve in practical terms as well as in terms of the status and position of Travellers in Irish society. The paper does not suggest that there are any legislative implications, or any implications for public expenditure in the State, or that there are any international human rights law issues or obligations associated with such recognition. The Minister of State subsequently hosted a round-table discussion with relevant Government Departments and Traveller representatives with a view to clarifying any remaining issues.

145. There is a consultation process underway led by the Department of Justice and Equality to develop a new National Traveller and Roma Inclusion Strategy. Phase 1

(identification of key themes for the new Strategy) has been completed, and Phase 2 (identification and agreement of high-level objectives under each agreed theme) has commenced. The final Phase, Phase 3 (identification of detailed actions to achieve each agreed objective, with associated timescales, Key Performance Indicators, institutional responsibilities and monitoring arrangements), will commence once Phase 2 has concluded.

146. This process will lead to a new Traveller and Roma Inclusion Strategy and a set of actions to be taken to bring about a real improvement in quality of life for Travellers. The question of formal recognition of Travellers as an ethnic group is being progressed in the context of discussions on the new Strategy, taking the clarifications put forward by the Traveller NGOs fully into account.

N. Gender equality

Gender pay gap

147. The most recent provisional figures provided by the Central Statistics Office (CSO) and released by the European Commission show that the gender pay gap, in unadjusted form, stood at 14.4% in Ireland in 2012 (**Recommendation 106.20**). These figures compare with an EU average for 2012 of 16.5 % and a gap of 13.9% in Ireland in 2010.

Women's participation in public life and decision-making roles

148. Following publication of *Towards Gender Parity in Decision-Making in Ireland*[52], prepared by the National Women's Strategy Monitoring Committee and adopted by Government, the Department of Justice and Equality, in partnership with the employers' organisation, IBEC and the National Women's Council of Ireland, sourced funding under the EU Progress programme for a project to promote greater gender balance in leadership and decision-making in the public and private sectors. Actions included a series of conferences, the development of training on unconscious gender bias, and a mentoring and leadership development training programme for senior female staff in the Civil Service (**Recommendations 106.21, 106.59**). The National Interim Report outlined legislative measures to ensure improved representation of women in politics.

Paternity leave and paternity benefit

149. The Budget 2016 announcement included a commitment to introduce 2 weeks paid paternity leave. The Departments of Justice and Equality and Social Protection are working together to develop proposals for the necessary amendments to social welfare and family leave legislation, to meet the September 2016 deadline for introduction of paternity leave and paternity benefit.

O. Migrants, refugees and asylum seekers

Naturalisation

150. Citizenship Ceremonies were first introduced in June 2011. By the end of 2015, a total of 115 Citizenship Ceremonies had been held in Dublin, Cork, Waterford, Galway, Templemore and Tipperary and 68,181 applicants have received their Certificates of Naturalisation at Citizenship Ceremonies.

Response to the migration crisis in central and southern Europe

151. As part of the Government's response to the migration crisis in central and southern Europe, on 10 September 2015, the Government established the Irish Refugee Protection

Programme (IRPP) to provide a safe haven for persons seeking international protection. The Programme involves International protection for up to 4,000 persons overall under the EU Resettlement and Relocation Programmes. It is expected that these numbers will be augmented by further family reunifications. The resettlement programme for 520 people mainly coming from Lebanon and predetermined as refugees by the UNHCR has already commenced and the first Syrian refugees have arrived. The number of persons in need of international protection will be kept under review.

International Protection Act 2015 and family reunification provisions

152. The International Protection Act 2015[53] is a key reform at a time of great and renewed challenge in the asylum/migration area. Under the single procedure, an applicant will make one application for international protection (asylum) only, and will have all grounds for seeking international protection and to be permitted to remain in the State examined and determined in one process.

153. The legislation provides that the best interests of the child shall be a primary consideration in dealing with the extension to qualified persons of certain rights including permission to reside and to travel and permission to enter and reside for family members of qualified persons (**Recommendation 107.21**).

154. The introduction of the single application procedure brings Ireland's international protection system into line with other EU Member States and will mean faster processing of new applications for international protection, and significantly reduced time for applicants in Direct Provision accommodation.

Working Group on the Protection Process, including Direct Provision and Supports for Asylum Seekers

155. The Working Group on the Protection Process, including Direct Provision and Supports for Asylum Seekers, was established in October 2014 under the chairmanship of a former High Court judge. Its membership included representatives of Government Departments and NGOs.

156. The Working Group's report[54] was published in June 2015 and includes 173 recommendations, including recommendations with regards to establishing a standard setting committee and the establishment of an Inspectorate, independent of the Reception and Integration Agency (RIA) to inspect Direct Provision Centres against new standards.

157. Cross-Government consideration of implementation of the Report's recommendations is ongoing through the medium of the Cabinet Committee on Social Policy and Public Service Reform.

158. Some of the recommendations have already been implemented. Priority was given to enacting legislation to speed up the application process for international protection (see above). The Minister for Health has signed an order exempting persons in receipt of a Direct Provision allowance from prescription charges and the Minister for Education and Skills has initiated a pilot grants scheme to support students in the protection process who have spent 5 years in the Irish school system, to access third-level studies this year.

Consultation with children in Direct Provision

159. During October and November 2015, the Citizen Participation Unit of the Department of Children and Youth Affairs conducted consultations with approximately 90 asylum-seeking children and young people (aged 8–17) living in Direct Provision, in co-operation with the Reception and Integration Agency (RIA) of the Department of Justice and Equality. An independent researcher is compiling a report of the consultations. The

RIA has committed to giving consideration to the views of the children in the forthcoming series of reforms aimed at improving conditions, particularly for families and children, in Direct Provision.

Anti-racism and integration

160. As mentioned in Ireland's previous National and Interim Reports, the Government is firmly committed to combating and challenging any and all manifestations of racism. A review of our approach to the integration of migrants was launched in 2014 and provided the basis for a new and updated migrant integration strategy, which will be published shortly. The new Integration Strategy will include a strong anti-racism component, with specific areas for action to promote intercultural awareness and to combat racism and xenophobia.

161. Actions in this regard are already underway. The Minister for Justice and Equality recently approved a review of the Prohibition of Incitement to Hatred Act 1989 in the light of reports by civil society, international obligations and the experience of other jurisdictions, given the age of the legislation, the changes in Irish society and the use of the internet and social media since its enactment.

P. Transparency and good corporate governance

162. The Criminal Justice (Corruption) Bill 2015 will consolidate and reform all the legislation currently cited as the Prevention of Corruption Acts 1889 - 2010 in a single statute.

163. (See section II.B, Reform of Policing, on establishment of an independent Policing Authority, strengthening of the remit of GSOC, enactment of the Protected Disclosures Act 2014 and extension of Freedom of Information legislation.)

Charities Regulatory Authority

164. The Charities Regulatory Authority[55] (CRA) was established on 16 October 2014. It is an independent agency and aims to promote compliance by charity trustees with their duties in the control and management of charitable trusts and charitable organisations, and in doing so, increase public trust and confidence in the sector.

Q. Foreign policy and overseas development aid

165. Ireland's policy for international development, *One World, One Future*[56] (May 2013) firmly places human rights as one of the main goals of our overseas aid programme and commits to ensuring that human rights principles and standards are promoted, protected and integrated in all of our development efforts. The aid programme is assisting poor and marginalised people and communities to realise their rights by supporting their participation and empowerment, working to strengthen accountability and transparency, and promoting equality and non-discrimination. Ireland provides funding to a wide range of NGOs working on human rights issues, supports national human rights commissions in a number of developing countries and the Office of the High Commissioner for Human Rights.

166. Ireland was actively engaged in the UN process to establish the Sustainable Development Goals (SDGs). Throughout Ireland's co-facilitation of intergovernmental negotiations, Ireland joined efforts to ensure a Sustainable Development Agenda that leaves no-one behind and which recognises that the enjoyment of all human rights is essential for

development. The 2030 Agenda for Sustainable Development emphasises the responsibility of all States to respect and protect human rights without discrimination.

167. Since the last review, and during a period of extraordinary economic difficulties, the Government demonstrated a sustained political commitment to Ireland's programme of international cooperation, and protected the overseas development aid budget to the greatest extent possible. For 2016, the Government announced the first substantial increase in the aid budget in over 7 years. As our economic recovery strengthens and consolidates, we will continue to make sustainable progress towards the UN target of 0.7%.

R. International human rights obligations and engagement

168. Ireland's election to the United Nations Human Rights Council from January 2013 to December 2015 provided an opportunity to make an enhanced contribution to the promotion and protection of human rights globally. During our membership, Ireland maintained its long-standing positions on freedom of religion or belief, human rights defenders, rights of the child, the death penalty, gender equality, the rights of LGBTI persons and many other key issues. Ireland led two national initiatives at the Council: the first on the promotion and protection of civil society space and the second on preventable morbidity and mortality of children under five. Ireland took an active part in Council debates and resolutions on situations of concern across all regions, without selectivity, wherever human rights crises came before the Council ranging from the situation in the occupied Palestinian territories, Syria, Yemen and Libya to DPRK, Cambodia and Myanmar, as well as Central African Republic, Burundi, Sudan and South Sudan among many others. Ireland remains fully committed to the promotion and protection of human rights worldwide through our status as observers at the Council.

169. In *The Global Island: Ireland's Foreign Policy for a Changing World*[57] (January 2015), the Government made a commitment to improve the coherence of the promotion and protection of human rights in Ireland's Foreign Policy, including through the establishment of an Inter-Departmental Committee on Human Rights. Its responsibilities include assisting progress towards the ratification by Ireland of key international human rights treaties and ensuring timely reporting to human rights monitoring bodies.

Ratification of human rights instruments

- Declaration made by Ireland upon ratification, on 18 November 2002, to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict pursuant to Article 3, paragraph 2, amended 12 January 2015.
- Optional Protocol to the Convention on the Rights of the Child (CRC-OP-IC) 24 September 2014.
- C189 – Domestic Workers Convention, 2011 (No. 189). The Convention entered into force for Ireland on 28 Aug 2015.
- Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms – Not yet in force in Ireland – Signature without Reservation as to Ratification (CETS 213) 24 June 2013.
- Ireland ratified the Aarhus Convention on 20 June 2012.

Signature of human rights instruments

- Council of Europe Convention against Trafficking in Human Organs (CETS 216) – Signature 8 October 2015.

- Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) – Signature 5 November 2015.

V. Conclusion

170. Ireland is proud of its reputation and track record in protecting human rights and advancing equality, and in particular, of the progress that has been made since our Cycle 1 review. We recognise that challenges remain and are committed to maintaining the momentum and continuing to strive to improve the human rights situation for all residents. We look forward to Ireland's interactive dialogue in May and to hearing the views and recommendations of other member States.

Notes

[1] Ireland's *National Interim Report* is available at www.upr.ie.

[2] Irish Human Rights and Equality Commission.

[3] *Report of Consultations with Children and Young People about Human Rights* is available on www.upr.ie.

[4] www.ihrec.ie

[5] www.workplacerelations.ie

[6] www.irishstatutebook.ie/eli/2015/act/16/enacted/en/pdf

[7] http://www.irishstatutebook.ie/eli/2015/act/43/enacted/en/pdf

[8] Section 37(1) of Employment Equality Act 1998 (as amended by section 25 of the Equality Act 2004) provides that where a religious, educational or medical institution which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values shall not be taken to discriminate against a person if–

- it gives more favourable treatment, on the religion ground, to an employee or prospective employee where it is reasonable to do so in order to maintain the religious ethos of the institution, or
- it takes action which is reasonably necessary to prevent an employee or prospective employee from undermining the religious ethos of the institution.

The provision was previously contained in the Employment Equality Bill 1996 which was referred by the President to the Supreme Court under Article 26 of the Constitution. While the Court found Bill to be unconstitutional on other grounds, the constitutionality of what later became section 37 was upheld as a reasonable balance between the competing constitutional rights involved. The *ratio* of this and other decisions is that it was not simply a matter of repealing section 37(1) in its entirety in the new legislation but rather finding a new balance that better met the rights of employees.

[9] The amended section 37 now obliges relevant employers in religious-run schools and hospitals to show that any favourable treatment of an employee or prospective employee is limited to the religion ground and action taken against a person is objectively justified by reference to that institution's aim of protecting its religious ethos and that the means of achieving that aim are appropriate and necessary. The new provision provides that action taken against an employee or prospective employee on the religion ground shall not be regarded as justified unless it is:

- rationally and strictly related to the institution's religious ethos;
- a response to conduct of a person which undermines or would undermine the religious ethos of the institution, rather than being a response to that person's status under any of the other discrimination grounds (e.g. sexual orientation) set out in equality legislation; and
- proportionate to the conduct of the employee or prospective employee, having regard to alternative action the employer could take, the consequences of any action taken for the employee or prospective employee and the actual damage caused to the religious ethos of the institution.

[10] Ireland's *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021* is available on the website of the Department of Justice and Equality.

[11] Second National Strategy Action Plan

[12] Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.
[13] http://www.irishstatutebook.ie/eli/2013/act/24/section/1/enacted/en/html
[14] http://www.oireachtas.ie/viewdoc.asp?DocID=24271
[15] The *Guidance Document* is available on the Department of Health website.
[16] 168 from UK, 4 from Australia, 2 from Cyprus, 1 from Switzerland and 11 from USA.
[17] Signed by the President on 30 December 2015.
[18] http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html
[19] Freedom of Information Act 2014, http://www.oireachtas.ie/documents/bills28/acts/2014/a3014.pdf
[20] http://www.irishstatutebook.ie/eli/2011/act/24/enacted/en/html
[21] http://www.irishstatutebook.ie/eli/2014/act/7/enacted/en/html
[22] http://www.irishstatutebook.ie/eli/2015/act/28/enacted/en/html
[23] http://www.justice.ie/en/JELR/Pages/Open-Policy-Debate-Monday-23rd-November
[24] http://www.irishstatutebook.ie/eli/2014/act/11/enacted/en/html
[25] The *Working Group Report on Citizen Engagement with Local Government* is available on the website of the Department of the Environment, Community and Local Government.
[26] The *National Strategy on Children and Young People's Participation in Decision-Making 2015-2020* is available on the website of the Department of Children and Youth Affairs.
[27] http://www.irishstatutebook.ie/eli/2015/act/25/enacted/en/html
[28] http://www.irishstatutebook.ie/eli/2015/act/9/enacted/en/html
[29] http://www.irishstatutebook.ie/eli/2015/act/35/enacted/en/html
[30] http://www.irishstatutebook.ie/eli/2014/act/34/enacted/en/html
[31] http://www.irishstatutebook.ie/eli/2012/act/44/enacted/en/html
[32] http://www.oireachtas.ie/viewdoc.asp?DocID=30673&CatID=87
[33] The Report of the Expert Group is available on the website of the Department of Health.
[34] *A Vision for Change* is available on the website of the Department of Health.
[35] *Connecting for Life* is available on the website of the Department of Health.
[36] *Social Housing Strategy 2020* is available at http://www.environ.ie/en/PublicationsDocuments/FileDownLoad,39622,en.pdf
[37] *Stabilising Rents, Boosting Supply* is available on the website of the Department of the Environment, Community and Local Government.
[38] *Homelessness Policy Statement* is available on the website of the Department of the Environment, Community and Local Government.
[39] *Implementation Plan on the State's Response to Homelessness* is available on the website of the Department of the Environment, Community and Local Government.
[40] The *Action Plan to address Homelessness* is available on the website of the Department of the Environment, Community and Local Government.
[41] http://www.irishstatutebook.ie/eli/2013/act/40/enacted/en/html
[42] http://www.oireachtas.ie/viewdoc.asp?DocID=30377&CatID=87
[43] Irish Constitution, the Child Care Act 1991, the Child and Family Agency Act 2013 and the Regulations for Foster Care (General), Foster Care (Relative) and the Regulations for Residential Care.
[44] http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/pdf
[45] http://www.oireachtas.ie/documents/bills28/acts/2015/a3015.pdf
[46] http://www.oireachtas.ie/documents/bills28/acts/2015/a5715.pdf
[47] *Tackling Youth Crime: Youth Justice Action Plan (2014-2018)* is available on the website of the Department of Children and Youth Affairs.
[48] The *National Plan for Equity of Access to Higher Education 2015-2019* is available on the website of the Higher Education Authority.
[49] The Roadmap to Ratification is available on the website of the Department of Justice and Equality.
[50] The *Comprehensive Employment Strategy for People with Disabilities 2015-2024* is available on the website of the Department of Justice and Equality.
[51] The six strategic priorities are: build skills, capacity and independence; provide bridges and supports into work; make work pay; promote job retention and re-entry to work; provide co-ordinated and seamless support; and engage employers.

[52] *Towards Gender Parity in Decision-Making in Ireland* is available on the website of the Department of Justice and Equality.

[53] http://www.oireachtas.ie/documents/bills28/acts/2015/a6615.pdf

[54] The *Report of the Working Group on the Protection Process, including Direct Provision and Supports to Asylum Seekers* is available on the website of the Department of Justice and Equality.

[55] www.charitiesregulatoryauthority.ie

[56] *One World, One Future* is available on Irish Aid's website.

[57] *The Global Island: Ireland's Foreign Policy for a Changing World* is available on the website of the Department of Foreign Affairs and Trade.